

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLEChapter 252 19 83Bill H _____ S 124 Original bill & history ✓ CH. Committee on JudiciaryHearing Date(s) Mar 11 ✓ CMar 16 ✓ C

_____ C

_____ C

Date Out Mar 16 ✓ CS. Committee on JudiciaryHearing Date(s) Jan 20 ✓ CJan 22 ✓ C

_____ C

_____ C

Jan 27 ✓ C

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

1/11	FISCAL NOTE REQUESTED		
1/14	HEARING		
1/14	FISCAL NOTE RECEIVED		
1/14	FISCAL NOTE PRINTED		
1/21	COMMITTEE REPORT—BILL NOT PASSED AS AMENDED		
1/21	ADVERSE COMMITTEE REPORT ADOPTED	34	14

SB 123 INTRODUCED BY GAGE
EXEMPT SUPPLIES FROM PROPERTY TAXATION

1/11	INTRODUCED		
1/11	FIRST READING		
1/11	REFERRED TO TAXATION		
1/11	FISCAL NOTE REQUESTED		
1/11	FISCAL NOTE RECEIVED		
1/14	HEARING		
1/15	FISCAL NOTE PRINTED		
1/21	COMMITTEE REPORT—BILL NOT PASSED		
1/21	ADVERSE COMMITTEE REPORT ADOPTED	36	12

SB 124 INTRODUCED BY VAN VALKENBURG
REVISE FINDERS OF PROPERTY LAW

1/11	INTRODUCED		
1/11	FIRST READING		
1/11	REFERRED TO JUDICIARY		
1/20	HEARING		
1/27	COMMITTEE REPORT—BILL PASSED		
1/28	2ND READING PASSED	47	0
1/29	3RD READING PASSED	46	1
	TRANSMITTED TO HOUSE		
1/30	FIRST READING		
1/30	REFERRED TO JUDICIARY		
3/11	HEARING		
3/17	COMMITTEE REPORT—BILL CONCURRED		
3/17	PLACED ON CONSENT CALENDAR		
3/19	3RD READING CONCURRED	94	3
	RETURNED TO SENATE		
3/24	SIGNED BY PRESIDENT		
3/26	SIGNED BY SPEAKER		
3/29	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 252		
	EFFECTIVE DATE: 10/01/93		

SB 125 INTRODUCED BY VAN VALKENBURG, ET AL.
GENERALLY REVISE CRIMINAL PROCEDURE

1/11	INTRODUCED		
1/11	FIRST READING		
1/11	REFERRED TO JUDICIARY		
1/16	FISCAL NOTE REQUESTED		
1/22	HEARING		
1/23	FISCAL NOTE RECEIVED		
1/23	FISCAL NOTE PRINTED		
1/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/29	2ND READING PASSED AS AMENDED	26	16
1/30	3RD READING PASSED	34	8
	TRANSMITTED TO HOUSE		
2/01	FIRST READING		

SENATE BILL NO. 124

IN THE HOUSE

JANUARY 11, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

JANUARY 27, 1993

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

JANUARY 28, 1993

PRINTING REPORT.

SECOND READING, DO PASS.

JANUARY 29, 1993

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 46; NOES, 1.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 30, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

MARCH 17, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

MARCH 18, 1993

CONSENT CALENDAR, QUESTIONS AND ANSWERS.

MARCH 19, 1993

THIRD READING, CONCURRED IN.
AYES, 94; NOES, 3.

MARCH 22, 1993

RETURNED TO SENATE.

IN THE SENATE

MARCH 22, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 124
2 INTRODUCED BY Van Velskenburg
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN
5 PROVISIONS OF THE FINDERS OF PROPERTY LAW; AND REPEALING
6 SECTIONS 70-5-203, 70-5-204, 70-5-205, 70-5-206, 70-5-207,
7 70-5-208, AND 70-5-209, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 NEW SECTION. **Section 1. Repealer.** Sections 70-5-203,
11 70-5-204, 70-5-205, 70-5-206, 70-5-207, 70-5-208, and
12 70-5-209, MCA, are repealed.

-End-

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By Sen. Bill Yellowtail, on January 20, 1993, at
10:00 a.m.

ROLL CALL

Members Present:

Sen. Bill Yellowtail, Chair (D)
Sen. Steve Doherty, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Bob Brown (R)
Sen. Bruce Crippen (R)
Sen. Eve Franklin (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. John Harp (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: Sen. Blaylock

Members Absent: NONE

Staff Present: Valencia Lane, Legislative Council
Rebecca Court, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 124
SB 140
Executive Action: NONE

HEARING ON SB 124

Opening Statement by Sponsor:

Senator Van Valkenburg, District 30, said that SB 124 simplifies the procedure of how lost property can be disposed. SB 124 deletes the provision on how the public is notified about a sale. SB 124 provides protection for holding a public sale without having to go through the process of advertising.

Proponents' Testimony:

Adriene Kieh-Cronn, Bicycle Coordinator for the City of Missoula,

told the Committee that storing lost or stolen bicycles is labor intensive and trying to locate an owner is costly. Ms. Kieh-Cronn supports Senator Van Valkenburg in removing the law from SB 124.

Opponents' Testimony:

NONE

Questions From Committee Members and Responses:

NONE

Closing by Sponsor:

Senator Van Valkenburg closed.

HEARING ON SB 140

Opening Statement by Sponsor:

Senator Rea, District 38, said that SB 140 is an act defining the legal responsibility of participants in equine activities. SB 140 addresses the inherent risk associated with handling a horse and certain circumstances under which a person responsible for equines may be found liable for persons harmed in the course of an equine activity. SB 140 simply defines the risk and responsibilities of both parties involved in equine activities.

Proponents' Testimony:

Pat Melby, Montana Horse Council, said that horseback riding and other equine activities attract people from all over the world to Montana to participate because it is an enjoyable activity, but it is not without risk to participants. The owners fear being liable for injuries involved in equine activities even if the injury was not caused by negligence. This has resulted in decreased accessibility to liability insurance and higher insurance premiums. The purpose of SB 140 is similar to the skiers and snowmobilers responsibilities act in that it defines the responsibilities of equine activity sponsors and participants. The sponsor could still be liable for negligence, but participants would be responsible for injuries that are caused by risks that are inherent in that activity. Mr. Melby explained the amendments. (Exhibit #1)

Representative Tim Sales, District 61, told the Committee that horses have been part of Montana heritage for a long time and passing SB 140 would keep horses a part of that heritage.

Representative Stovall, District 98, told the Committee about the expense in getting insurance for the Centennial Cattle Drive. Representative Stovall said that it is imperative to pass SB 140 so equine activity will not be restricted. (Exhibit #2)

If the motion on the floor, to adopt all the amendments passes, amendment 14 would already be adopted. Senator Towe also stated he is against the amendments. Senator Towe said there is little concern about future legal challenges, and the people in the state of Montana support SB 68. Senator Towe does not feel that the legislature should have to look at the bill every two years.

Senator Doherty told the Committee it is a rare and extraordinary thing for the legislature to go back to the protection of the sovereign. Senator Doherty said it is something we ought to do seriously, therefore we should be patient and do it every two years.

Vote:

The motion to amend SB 68 FAILED with Senator Doherty and Yellowtail voting YES.

Motion/Vote:

Senator Towe moved amendment 14 to amend SB 68 on the 2/3 vote requirement. Motion CARRIED to amend SB 68.

Motion/Vote:

Senator Blaylock moved SB 68 DO PASS AS AMENDED. The motion CARRIED with Senator Doherty voting NO.

EXECUTIVE ACTION ON SB 124

Motion/Vote:

Senator Towe moved SB 124 DO PASS. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 93

Motion/Vote:

Senator Halligan moved SB 93 DO PASS. The motion CARRIED with Senator Rye voting NO.

EXECUTIVE ACTION ON SB 108

Discussion:

Senator Towe asked the Committee for discussion concerning the fingerprints of juveniles. Senator Towe said with the passage of SB 108, fingerprints and records would be kept by the Justice Department. Senator Towe said that would be a policy change in the law dealing with criminal justice information systems. Senator Towe said he had problems with that issue. Senator Towe told the Committee that the bill was originally drafted to

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 27, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 124 (first reading copy -- white), respectfully report that Senate Bill No. 124 do pass.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

Proponents' Testimony:

Stan Hooverstall, Montana Snowmobile Association, said that poker runs had been operating illegally up until a year ago, and since then legislators have drafted this bill. They are primarily used by non-profit organizations as charity fund raisers.

Janet Jessup, Department of Justice, was available for questions.

Opponents' Testimony: NoneQuestions From Committee Members and Responses:

REP. VOGEL asked SEN. STANG whether poker runs are in current law, and whether they are controlled. SEN. STANG replied that poker runs are not defined. It was determined that these poker runs were actually a card game, and there had to be a licensed dealership to perform the games. Under the original law the players weren't allowed to keep any of the proceeds from the games. The non-profit organization operating the poker runs would keep the profits for their organization.

Closing by Sponsor:

REP. STANG said SB 229 is not an expansion of gambling laws; it gives non-profit organizations a chance to operate under the same rules as current legalized gambling.

HEARING ON SB 124Opening Statement by Sponsor:

SEN. FRED VAN VALKENBURG, Senate District 30, Missoula, said that SB 124 is unique in the context of most bill issues because it does not add anything to the codes; in fact, it subtracts unnecessary and outdated codes. This is a repealer of a very old law that dates back to the late 19th century when the state first got started. This bill takes out the codes and procedures that finders of lost property must go through in order to sell and dispose of that property. These procedures involved affidavits, appointment of appraisers, and publication of notices. SEN. VAN VALKENBURG thinks these procedures are no longer necessary.

Proponents' Testimony:

Adriene Koelt-Cronn, City of Missoula, said she is in charge of

lost property in Missoula. There is a huge inventory of lost bicycles in Missoula, for example, and the success rate for returning the bicycles is very good. The city holds the bikes for 60 days; if they are not claimed, they are auctioned off.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. TASH asked if these procedures apply to all lost properties. SEN. VAN VALKENBURG said it applies to any property for which someone cannot identify the owner.

Closing by Sponsor: None

HEARING ON SB 238

Opening Statement by Sponsor:

SEN. BRUCE CRIPPEN, Senate District 45, Billings, said that SB 238 would modify existing laws pertaining to warrant and bond requirements for obtaining possible stolen property from a pawnbroker or dealer. SEN. CRIPPEN referred to the new section of the bill which states that a peace officer shall give the pawnbroker or dealer a receipt for any property surrendered by the pawnbroker or dealer.

Proponents' Testimony:

Tom Harrison, Montana Sheriffs and Peace Officers Association (MSPOA), said that MSPOA supports SB 238.

REP. RANDY VOGEL, House District 86, Billings, stated that SB 238 will help recover stolen property from pawnshops.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: None.

EXECUTIVE ACTION ON SB 15

Motion: REP. WYATT MOVED SB 15 BE CONCURRED IN.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Judiciary
DATE *March 11, 1993* COMMITTEE *J. Van Valkenburg* BILL NO. *SB 124*
SPONSOR(S)
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Adriene Krell-Crona</i> <i>435 Ryan Mission 5900</i>	<i>City of Mission</i>	<i>X</i>	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON SB 238

Motion/Vote: REP. WHALEN MOVED SB 238 BE CONCURRED IN. Motion carried unanimously 18-0. REP. VOGEL will carry the bill on the House floor.

EXECUTIVE ACTION ON SB 124

Motion: REP. WYATT MOVED SB 124 BE CONCURRED IN. Motion carried unanimously 18-0. REP. TOOLE will carry the bill on the House floor. Bill scheduled for the consent calendar.

EXECUTIVE ACTION ON SB 251

Motion: REP. SAYLES MOVED SB 251 BE CONCURRED IN.

Discussion:

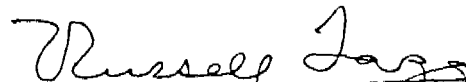
Motion: REP. TASH moved an amendment to strike the effective date upon SEN. TOWE's request. See Standing Committee Report.

Vote: The question was called on REP. TASH's amendment. Motion carried unanimously 18-0.

Vote: REP. TOOLE MOVED THAT SB 251 BE CONCURRED IN AS AMENDED. Motion carried unanimously 18-0. REP. TOOLE will carry the bill on the House floor.

ADJOURNMENT

Adjournment: 12:30 p.m.



REP. RUSSELL FAGG, Chairman



BETH MIKSCHKE, Secretary

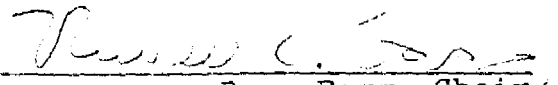
RF/bcm

HOUSE STANDING COMMITTEE REPORT

March 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 124 (third reading copy -- blue) be concurred in
and be placed on consent calendar .

Signed: 
Russ Fagg, Chair

(Carried by: Rep. Toole, if necessary)

Committee Vote:
Yes 15, No 8.

591606SC.HpF

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-16-93 BILL NO. JB 124 NUMBER 18

MOTION: Motion to pass carries unanimously 18-0

NAME	AYE	NO
Rep. Russ Fagg, Chairman	✓	
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair	✓	
Rep. Jodi Bird	✓	
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke	✓	
Rep. Bob Clark	✓	
Rep. Duane Grimes	✓	
Rep. Scott McCulloch	✓	
Rep. Jim Rice	✓	
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	✓	
Rep. Bill Tash	✓	
Rep. Howard Toole	✓	
Rep. Tim Whalen	✓	
Rep. Karyl Winslow	✓	
Rep. Diana Wyatt	✓	